

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

WILLIAM TEOH,)	
)	Case No. 5:20-cv-464
Plaintiff,)	
)	
v.)	
)	Removed from the District Court of
WELLS FARGO BANK, N.A.,)	Wake County, North Carolina
)	Small Claims
Defendant.)	Case No. 20-CV-4020
)	
)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), by and through its undersigned counsel, hereby removes this action from the District Court for Wake County, North Carolina, in which court the case is currently pending, to the United States District Court for the Eastern District of North Carolina. In support thereof, Wells Fargo states as follows:

I. Background

1. Wells Fargo exercises its rights under the provisions of 28 U.S.C. §§ 1331, 1441 and 1446 to remove this case from the District Court for Wake County, North Carolina. The case is now pending under the name and style of *William Teoh v. Wells Fargo Bank, N.A.*, Case No. 20-CV-04020, Wake County, North Carolina District Court – Small Claims.

2. 28 U.S.C. § 1441(a) provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending.

3. This civil action was instituted in state district court and has not been tried. Plaintiff William Teoh filed his Complaint for Money Owed on July 31, 2020, naming Wells Fargo as a defendant. Plaintiff appears to attempt to allege claims under the following federal statute against Wells Fargo: 47 U.S.C. § 227 *et seq.* [Telephone Consumer Protection Act (“TCPA”)]. Plaintiff alleges no facts in support of any of these claims.

4. Pursuant to 28 U.S.C. §1446(a), Wells Fargo has attached hereto as ***Exhibit A***, copies of all process, pleadings and orders served upon Wells Fargo to date.

II. The Notice of Removal is Timely and Properly Filed.

5. Purportedly, Wells Fargo was served with a copy of Plaintiff’s Complaint for Money Owed and Summons on August 6, 2020. The Complaint for Money Owed and Summons were the initial pleadings received by Wells Fargo, and Wells Fargo is filing this Notice of Removal within 30 days of receipt of these initial pleadings. Therefore, the Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

III. Subject Matter Jurisdiction.

6. This case is being removed subject to the provisions of 28 U.S.C. § 1331. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331, which provides as follows: “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

7. This Court has jurisdiction over this case because Plaintiff’s purported claims allegedly arise under the laws of the United States.

IV. Procedural Compliance

8. Pursuant to 28 U.S.C. § 1441 *et seq.*, the right exists to remove this case from the District Court for Wake County, in which court the case is currently pending, to the United States District Court for the Eastern District of North Carolina.

9. The United States District Court for the Eastern District of North Carolina embraces Wake County, North Carolina in which the action is now pending and, thus, this Court is a proper venue for this action pursuant to 28 U.S.C. § 113. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1441(a). The District Court for Wake County is located within this District and cases arising in the District Court for Wake County are properly assigned to the United States District Court for the Eastern District of North Carolina. See 28 U.S.C. § 113.

10. Pursuant to 28 U.S.C. § 1446(d), Wells Fargo shall give Plaintiff written notice of the filing of this Notice of Removal, and Wells Fargo shall file the written notice of the filing of this Notice of Removal with the District Court for Wake County, attaching thereto a copy of this Notice of Removal, and the documents attached to this Notice of Removal. An executed copy of the Notice of Filing of Notice of Removal is attached hereto as ***Exhibit B***.

11. In filing this Notice of Removal, Wells Fargo denies the allegations set forth in the Complaint for Money Owed, denies that Plaintiff has stated a claim for which relief may be granted, and denies that Plaintiff has been damaged in any manner. Wells Fargo does not waive, and specifically reserves, any and all objections as to service, personal jurisdiction, defenses, exceptions, rights and motions. No statement herein or omission here from shall be deemed to constitute an admission by Wells Fargo of any of the allegations of or damages sought in the Complaint for Money Owed.

V. Conclusion

WHEREFORE, Defendant Wells Fargo Bank, N.A. respectfully requests the above-captioned action now pending in the District Court for Wake County, North Carolina be removed to the United States District Court for the Eastern District of North Carolina, and that the United States District Court for the Eastern District of North Carolina assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice. If any questions arise as to the propriety of the removal of this action, Wells Fargo requests the opportunity to present a brief and argument in support of its position that this case is removable.

This the 27th day of August, 2020.

WOMBLE BOND DICKINSON (US) LLP

/s/ B. Chad Ewing

B. Chad Ewing (N.C. State Bar No. 27811)

One Wells Fargo Center, Suite 3500

301 South College Street

Charlotte, North Carolina 28202-6037

Telephone: (704) 331-4996

Facsimile: (704) 338-7854

E-Mail: chad.ewing@wbd-us.com

Attorneys for Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2020, the foregoing **NOTICE OF REMOVAL** was filed with the Clerk of Court using the CM/ECF system, and a true and correct copy was sent via first class mail, postage prepaid to the following:

William Teoh, *Pro Se*
8 Teahouse Court
Durham, NC 27707

/s/B. Chad Ewing

B. Chad Ewing